

MPP16 RCECPJW/TD 06 DEC 2005

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP2004/006057

International Filing Date : June 5, 2004

Priority Date(s) Claimed : June 7, 2003

Applicant(s) (DO/EO/US) : Juergen WESTERMANN et al.

Title: PROTECTED 5,7-DIHYDROXY-4,4-DIMETHYL-3-OXOHEPTANOIC ACID ESTERS AND 5,7-DIHYDROXY-2-ALKYL-4,4-DIMETHYL-3-OXOHEPTANOIC ACID ESTERS FOR SYNTHESIZING EPOTHILONES AND DERIVATIVES DERIVATIVES AND METHODS FOR PRODUCING THESE ESTERS

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- within three months of the filing date of a national application other than a CPA under § 1.53(d);
- within three months of the actual filing date of the national phase of a PCT application; OR
- before the mailing of a first substantive office action (including after filing of an RCE).
- Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- a final rejection under 37 C.F.R. 1.113;
termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR
a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
 - a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
- a final action under 37 C.F.R. § 1.113;
 - termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2);
 - OR a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(c)

- Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- Copies of materials listed but not attached were cited in an international search report dated November 2, 2004.
- Not required by 37 CFR § 1.98.
- Copies of the materials listed are attached (except for the foregoing).

Non-English Language References

- An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).
- A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone
Y = document of particular relevance when it is combined with another such document
A = document defining the general state of the art
O = non-written disclosure
P = intercalated document
T = document cited to understand the theory or principle underlying the invention
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
D = cited in the application
L = cited for another reason
& = publication of member of same patent family

- Translation of other relevant information on foreign search report

[insert necessary translation here]

Other Information

Payment of Fees Due (If Any):

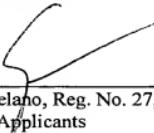
- A check for \$_____ covering the fee identified above is attached.
- Please charge to Deposit Account No. 13-3402 \$_____ for the fee identified above.

88/559389

MP16 Rec'd/POLY/DO 06 DEC 2005

- The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,


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Attorney Docket No.: SCH-2113

Date: December 6, 2005

AJZ:aap

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Substitute for form 1449A/PTO		<i>Complete If Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		19709	
(use as many sheets as necessary)			
Sheet	1	of	2
		Attorney Docket Number	SCH-2113
		Application Number	PCT/EP2004/006057
		Filing Date	December 6, 2005
		First Named Inventor	Juergen WESTERMANN et al.
		Group Art Unit	Unassigned
		Examiner Name	Unassigned

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.*	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Page, Lines, Where Relevant Passages or Relevant Figures Appear
		Office*	Number*	Kind Code* (if known)		
/N.C./	4	WO	03053949	Schering AG	July 3, 2003	Eqv to cite 1
/N.C./	5	WO	030014063	Schering AG	February 20, 2003	Eqv to cite 2
/N.C./	6	DE	10041470	Schering AG	February 28, 2002	
/N.C./	7	WO	0058254	Univ Kansas	October 5, 2000	Eqv to cite 3

Examiner Signature	/Nizal Chandrakumar/	Date Considered	11/10/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached *Kinds of U.S. Patent Documents*. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. Number refers to English language corresponding family member.

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Substitute for form 1469A/PTO

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<i>Complete if Known</i>	
Application Number	PCT/EP2010/006057
Filing Date	December 6, 2005
First Named Inventor	Juergen WESTERMANN et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	SCH-2113

NON-PATENT LITERATURE DOCUMENTS

Examiner Signature	Nizal Chandrakumar/	Date Considered	11/10/2008
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